

Applicant : Gigi C. Gordon
Appln. No. : 09/805,313
Page : 2

REMARKS

The Examiner's comments and Office Action of September 26, 2001, have been carefully considered. The Examiner's objections to the drawings 1-4 is noted. The Examiner's rejection of claims 15-17 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention is noted. The Examiner's rejection of claims 1-17 under the judicially created Doctrine of Obviousness-type Double Patenting over Applicant's U.S. Patent No. 6,226,961 is noted. The Examiner's rejection of claims 1-3 and 5-17 under Channer (U.S. Patent No. D. 403,813) as unpatentable under 35 U.S.C. §103(a) is noted. The Examiner's rejection of claim 4 under 35 U.S.C. §103(a) as being unpatentable over Channer and further in view of Gray (U.S. Patent No. D. 182,118) is noted. The Examiner's rejection of claims 1-3 and 5-17 under 35 U.S.C. §103(a) as being unpatentable over Ruth (U.S. Patent No. D. 119,772) is noted. The Examiner's rejection of claim 4 under 35 U.S.C. §103(a) as unpatentable under Ruth and further in view of Gray is noted.

Objections of the Specification

The Examiner objected to the drawings 1-4. The Examiner noted that each of the figures must be separately labeled, i.e., Fig. 1A, Fig. 1B, etc. The Applicant will provide corrected drawings upon receipt of a Notice of Allowance in this application.

The Examiner also rejected claims 15-17 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner noted that in each of

Applicant : Gigi C. Gordon
Appln. No. : 09/805,313
Page : 3

claims 15-17, line 1 there is no antecedent basis for "the first and second indicia." In response, claims 15-17 have been amended to remove the reference to "the first and second indicia" thereby providing appropriate clarity to the claimed subject matter.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

The Examiner also rejected claims 1-17 under the judicially created Doctrine of Obviousness-type Double Patenting in view of Applicant's U.S. Patent No. 6,226,961. In response, Applicant is submitting a Terminal Disclaimer herein.

Obviousness Under 35 U.S.C. §103 in View of Channer

The Examiner objected to claims 1-3 and 5-17 under 35 U.S.C. §103(a) as being unpatentable over Channer. The Examiner noted that Channer discloses a sponge scrubber with raised indicia thereon. The Examiner considered the indicia to be the indicia indicating articles to be cleaned, i.e., a cat. The Examiner did note that Channer does not disclose use of more than one sponge scrubber, but that it would have been obvious to one of ordinary skill in the art to provide two or more scrubbers with indicia thereon since this will allow each scrubber to be identified for each particular animal.

In response, the Applicant notes that nowhere does Channer indicate that the intended cleaning application for the article disclosed therein would be even remotely associated with cats or any member of the feline family. For all the Applicant might know, the indicia of "cat" on the cleaning article could be a trademark for scrubbing articles, or a promotional item

Applicant : Gigi C. Gordon
Appln. No. : 09/805,313
Page : 4

for Caterpillar Inc. More importantly, as the Examiner acknowledged, the reference does not teach a plurality of cleaning articles. Certainly, the reference does not teach a plurality of cleaning articles, each having a different indicia corresponding to a different intended cleaning application. There is no basis whatever in the reference or in any other art made available to the Applicant in this action that one would provide a plurality of such cleaning articles in the identification system set forth in the presently claimed invention. Thus, the Applicant respectfully requests reconsideration of the foregoing rejection.

Obviousness Under 35 U.S.C. §103 Over Channer in view of Gray

The Examiner also rejected claim 4 on the basis of Channer in view of Gray, which the Examiner indicated shows the idea of making the outline of a sponge in the shape of an article, such as "joy." The Examiner contended that in view of the teachings of Gray it would be obvious to one in the art to modify Channer by making an outline of the shape in the form of a cat. In response, the Applicant notes the failure of Gray as well as Channer to disclose a plurality of cleaning articles each having a different indicia as recited in the claims. There is no suggestion whatever in any of these references combined herein to reach this identification system and Applicant respectfully requests reconsideration and rejection thereof.

Obviousness Under 35 U.S.C. §103(a) Over Ruth

The Examiner rejected claims 1-3 and 5-17 under 35 U.S.C. §103(a) as being unpatentable over Ruth. The Examiner indicated that Ruth shows in the figure a towel that includes indicia thereon. The Examiner stated that the indicia of Ruth was considered to

Applicant : Gigi C. Gordon
Appln. No. : 09/805,313
Page : 5

indicate the article to be cleaned. The Examiner again noted that Ruth did not disclose the use of more than one towel, but that it would have been obvious to those skilled in the art to provide two or more towels with indicia thereon. Again, in response, the Applicant notes that there is not teaching whatever in Ruth that the dish towel or similar article bears any indicia indicating its intended use. The indicia on the towel of Ruth could very well be for decorative purposes solely, without any functionality as to the intended application. More importantly, Ruth like the Channer reference discussed above, nowhere describes more than one article. It is this failure of the prior art, such as Ruth, to disclose an identification system as claimed that distinguishes the reference from the currently pending claims. Without the teaching of a plurality of cleaning articles there can be no reaching the identification system wherein individual cleaning articles have different indicia indicating their intention for a different cleaning application. Reconsideration is respectfully requested.

Obviousness Under 35 U.S.C. §103(a) Over Ruth in View of Gray

The Examiner rejected claims 4 under 35 U.S.C. §103(a) as being unpatentable over Ruth as applied to claim 1 above and further in view of Gray. The Examiner noted that Gray teaches the use of making an outline of a sponge in the shape of an article. For the same reasons as set forth above, the Applicant contends that the reference of Ruth in view of Gray is likewise inappropriate and that neither reference discloses a plurality of cleaning articles each with a separate indicia indicating a separate cleaning application. For the reasons set forth above, reconsideration is respectfully requested.

Applicant : Gigi C. Gordon
Appln. No. : 09/805,313
Page : 6



Conclusion

For the reasons set forth above, Applicant contends that the presently pending claims 1-17 are in allowable condition and reconsideration is respectfully requested. Should the Examiner find it useful, the Examiner is invited to contact the undersigned for further discussion as would be appropriate.

Respectfully submitted,

GIGI C. GORDON

By: Price, Heneveld, Cooper,
DeWitt & Lincoln

RECEIVED

FEB 13 2002

GROUP 3600

December 26, 2001.

Date

A handwritten signature in cursive script, appearing to read "Steven L. Underwood".

Steven L. Underwood
Registration No. 35 727
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

SLU/jrb

Applicant : Gigi C. Gordon
Appln. No. : 09/805,313
Page : 7



VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend the claims as follows:

15. (amended) The method of Claim 14, wherein the [first and second] indicia are written words indicating the intended use of [the first and second] one of the plurality of cleaning articles, respectively.

RECEIVED

FEB 13 2002

16. (amended) The method of Claim 14, wherein the [first and second] indicia are symbols indicating the first and second intended use of each of [the first and second] one of the plurality of cleaning articles, respectively.

GROUP 3600

17. (amended) The method of Claim 14, wherein the [first and second] indicia are permanently affixed to each of [the first and second] one of the plurality of cleaning articles, respectively.